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Applicability: DDSN Central Office and Regional Centers

~~THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS. (DDSN) THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS POLICY, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.~~

~~The language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in whole or in part.~~

Consultants may be employed to provide professional advice or services in areas not covered by permanent employees or to cover temporary vacancies in authorized personnel. Funds for payment must be available to the division in the division's budget.

Unless specifically exempted, consulting services must be procured through procedures outlined in the South Carolina Consolidated Procurement Code. Specific exemptions applicable to DDSN are:

1. Medical personnel limited to medical doctors, optometrists, dentists, registered nurses, licensed practical nurses, and psychiatrists;
2. Physical therapists and physical therapy assistants;
3. Speech pathologists;

4. Occupational therapists;
5. Doctors of osteopathy; and
6. Contractual consultant services necessary to provide professional instruction for instructional training seminars offered by the Department to ~~S~~state employees on a registration fee basis.

Fees paid to consultants may be arranged either on a fee for service basis or on a fixed fee (retainer) basis. The former is usually preferable in that it is directly related to work performed. A retainer basis is suitable when the arrangement is to be long standing and the job requirement is constant and well defined. All retainer arrangements must be approved in advance by the State Director. All use of consultants must be covered in a written contract which outlines the services to be performed and the fees to be paid. Contracts should not be signed by regional staff prior to Central Office review and approval.

Consultant services of architects, engineers, auditors, accountants, information technology professionals, and attorneys are subject to special regulations and require approval of Central Office in all cases.

State regulations concerning the use and procurement of consulting services are contained in the Comptroller General's STARS Manual at Sections 4.2.9 and 4.2.10 and in Chapter 7 of the DDSN Procurement Manual.

For the exemption to apply to these categories, the individual or firm involved must be licensed to perform the specific professional services, must provide that specific service to the Department, and the Department cannot be in an employer/employee relationship. Any contract with an individual who is or has been an employee of ~~DDSN the Department of Disabilities and Special Needs~~ or any other ~~S~~state agency requires the approval of Central Office Division of Human Resources ~~Management~~ **before** the contract can be finalized.

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